

MITRE SPORTS INTERNATIONAL LIMITED,

Plaintiff,

-against-

HOME BOX OFFICE, INC.,

Defendant.

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: Case No.: 08 CIV 9117 (GBD)(HBP)

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I, ROSS GREENBURG, declare as follows:

1. I am the president of HBO Sports, as well as an executive vice president of Home Box Office, Inc. ("HBO"). I make this declaration based on my personal knowledge and records kept in the ordinary course of business by HBO. If called as a witness, I could and would testify competently to such facts under oath.

2. HBO Sports is a division of HBO. HBO Sports produces the news magazine program *Real Sports with Bryant Gumbel* (“Real Sports”), an inside look at the modern world of sports, highlighted by unique and in-depth profiles on athletes and investigative pieces. I am an executive producer of Real Sports.

3. I have worked for HBO Sports for over 30 years, beginning as a production assistant in 1978, one year after I graduated from Brown University. I have been executive producer of Real Sports since it premiered in April 1995, and I became president of HBO Sports in 2000. My job responsibilities include overseeing HBO Sports programming.

4. With respect to Real Sports, I attend weekly meetings where we discuss ideas for future programs and segments, including whether or not to "green light" (or approve) a particular

idea and any ongoing issues with respect to segments in progress that senior producer Kirby Bradley wants to bring to our attention. We also may discuss potential correspondent hires or other managerial issues. These meetings are usually attended by executive producer Rick Bernstein, Kirby Bradley, and often the coordinating producers, who currently are Joe Perskie and Nick Dolin. I do not generally review rough cuts (draft video versions) of Real Sports segments before they are telecast unless I am asked for my input on a specific point.

The Segment

5. I vaguely recall that the idea for what ultimately became the Real Sports segment entitled "Children of Industry" (the "Segment") was discussed during one of our regular weekly meetings for Real Sports, which both Kirby Bradley and Rick Bernstein would have attended, but I do not recall when that meeting took place.

6. My involvement in the Segment was consistent with my usual practice as an executive producer of Real Sports. I had no involvement in staffing decisions or the day-to-day information gathering and production of the Segment. I do recall saying at one of our weekly meetings - either the first one or a subsequent meeting when the subject of the Segment came up - that if we were going to go forward with the idea, I felt it was necessary not only to show the children stitching soccer balls in India, but also to show the full path of the balls, from the stitchers abroad to store shelves in the United States. In the weekly meeting(s), there was no discussion of the specific content the Segment would include, nor was there any discussion of brand names.

7. I reviewed a rough cut of the Segment fairly far along in the editing process because the producers were considering breaking up the Segment into two parts, whereby the host and correspondent would appear in the middle in addition to just at the end, and they asked

for my views. After seeing the rough cut, I believed and communicated to Kirby, Joe, Rick, and others at HBO that it should remain a single story, and not be broken up.

8. On September 16, 2008, the day the Segment premiered, I viewed a video on YouTube which purported to contain footage of an interview with two girls and their mother claiming that the girls do not stitch soccer balls. I was aware that Real Sports personnel were consulting with counsel and I spoke to counsel. Kirby later informed me that the Segment would premiere that evening as scheduled.

9. At the time the Segment premiered, and still to this day, I believed that the information reported in the Segment was true, and at no time before the Segment premiered, or anytime since, did any person or entity provide me with any information that led me to believe that any information in the Segment was false. Based on my knowledge, trust and reliance on the professionalism of my staff, and on my review of a rough cut, nothing led me to believe that any of the information contained in the Segment was false.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration was executed on April 11, 2011.



ROSS GREENBURG